



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 11-20**

☒ Immediately upon filing.

☐ Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

☐ Yes

☒ No

If Yes, explain:

**Purpose:** Amend personal use fishing rules

**Citation of existing rules affected by this order:**

Repealed: WAC 2323-28-61900V

Amended: WAC 232-28-619

Suspended:

**Statutory authority for adoption:** RCW 77.12.047 and RCW 77.04.020

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The fishery will reduce the number of excess hatchery-origin steelhead and consequently increase the proportion of natural-origin steelhead on the spawning grounds. Higher proportions of naturally produced spawners are expected to improve genetic integrity and stock recruitment of upper Columbia River steelhead through perpetuation of steelhead stocks with the greatest natural-origin lineage. There is insufficient time to adopt permanent rules.

**Date adopted:** February 8, 2011

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** February 08, 2011

**TIME:** 4:34 PM

**WSR 11-05-038**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

### **WAC 232-28-61900W Exceptions to statewide rules— Columbia, Entiat, Methow, Okanogan, Similkameen, Wenatchee and Icicle Rivers.**

Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) In the river sections modified below, mandatory retention of adipose fin-clipped hatchery origin steelhead. A person may retain hatchery-origin adipose fin-clipped steelhead with circular (hole) punches in the caudal (tail) fin. Current salmon and all other game fish rules do not apply during steelhead season.
- (2) A person may fish for steelhead in the Columbia River from Priest Rapids Dam to 400 feet below Chief Joseph Dam. Selective gear rules, except bait is allowed. Night closure in effect. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.
  - (a) A person may fish for and possess floy tagged rainbow trout. No daily or minimum size limits.
- (3) A person may fish for steelhead in the Entiat River upstream from the Alternate Highway 97 Bridge near the mouth of the Entiat River to 800 feet downstream of the Entiat National Fish Hatchery outfall. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.
- (4) A person may fish for steelhead in waters of the Methow River from the mouth to the confluence with the Chewuch River in Winthrop. Fishing from a floating device is prohibited from the second powerline crossing to the first Highway 153 bridge. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.
- (5) A person may fish for steelhead in waters of the Okanogan River from the mouth upstream to the Hwy 97 Bridge in Oroville. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.

EXCEPTION: CLOSED WATERS, effective beginning March 15, 2011, from the first powerline crossing downstream of the Hwy 155 Bridge in Omak (Coulee Dam Credit Union Building) to the mouth of Omak Creek; and from the Tonasket Bridge (4<sup>th</sup> Street) downstream to the Tonasket Lagoons Park boat launch.
- (6) A person may fish for steelhead in waters of the Similkameen River from the mouth to 400 feet below Enloe Dam. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.

- (7) A person may fish for steelhead in waters of the Wenatchee River from the mouth to the Icicle River Road Bridge. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.
- (8) A person may fish for steelhead in waters of the Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches. Night closure and selective gear rules apply.

#### R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900V Exceptions to statewide rules— Columbia, Entiat, Methow, Okanogan and Similkameen Rivers. (11-17)

---

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

(x) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The fishery will reduce the number of excess hatchery-origin steelhead and consequently increase the proportion of natural-origin steelhead on the spawning grounds. Higher proportions of naturally produced spawners are expected to improve genetic integrity and stock recruitment of upper Columbia River steelhead through perpetuation of steelhead stocks with the greatest natural-origin lineage. Sections of the Okanogan River around the mouths of Omak and Tonasket creeks are closed to protect natural origin steelhead staging prior to spawning in those tributaries. There is insufficient time to adopt permanent rules.